

**Notice of Allowability**

Application No.

09/495,898

Examiner

Cristina Owen Sherr

Applicant(s)

STAMBAUGH, ROD

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed November 6, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4,6-8,10,12,17,20-24,26-28 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

1. This communication is in response to applicant's after final amendment filed November 6, 2006. Claims 14-16, 29 and 35 have been canceled. Claims 1, 2, 4, 6-8, 10, 12, 17, 20-24, 26-28 and 30 are currently pending in this case.

***Reasons for Allowance***

2. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The closest prior art of record shows:

(1) Pare et al (US 5,870,723) disclose a tokenless biometric transaction authorization method and system.

(2) Katseff et al (US 6,075,796) disclose methods and apparatus for providing improved quality of packet transmission in applications such as internet telephony.

(3) Reber et al (US 5,930,767) disclose transaction methods systems and devices.

(4) Kolling et al (US 5,920,847) disclose an electronic bill pay system.

(5) Wallner (US 5,696,909) discloses a virtual POS terminal.

(6) Sarradin (US 5,387,784) discloses portable payment terminals and network for such terminals.

3. Applicant's set of claims consists of claims 1-2, 4, 6-8, 10,12, 17, 20-24, 26-28 and 30.

4. Independent claim 1 discloses a method of transaction processing. Nothing in the closest prior art (Pare et al (US 5,870,723) and Katseff et al (US 6,075,796)) alone, or in combination, discloses or suggests two (2) modes of operation, where the first

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server is delayed in the first mode and the first server is not delayed in the second mode. Additionally, there is no motivation to obtain such a combination. Thus, independent claim 1 and its dependent claims 2, 4, 6-8, 10, 12, and 27-28 are deemed allowable.

5. Independent claim 17 discloses a transaction processing network. Nothing in the closest prior art (Pare et al (US 5,870,723) and Katseff et al (US 6,075,796)) alone, or in combination, discloses or suggests two (2) modes of operation, where the first server is delayed in the first mode and the first server is not delayed in the second mode. Additionally, there is no motivation to obtain such a combination. Thus, independent claim 17 and its dependent claims 20-24 and 26 are deemed allowable.

6. Independent claim 30 discloses a system for tracking transactions. Nothing in the closest prior art (Pare et al (US 5,870,723) and Katseff et al (US 6,075,796)) alone, or in combination, discloses or suggests two (2) modes of operation, where the first server is delayed in the first mode and the first server is not delayed in the second mode. Additionally, there is no motivation to obtain such a combination. Thus, independent claim 30 is deemed allowable.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

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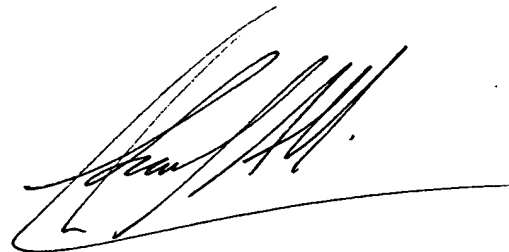
272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cristina Owen Sherr

Patent Examiner, Au 3621



KAMBIZ ABDI  
PRIMARY EXAMINER